



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5160

Introduced 2/9/2024, by Rep. Tony M. McCombie

SYNOPSIS AS INTRODUCED:

820 ILCS 192/10

Amends the Paid Leave for All Workers Act. Provides that the definition of "employee" means an individual who (i) meets the definition of "employee" in specified provisions of the Illinois Wage Payment and Collection Act and (ii) works at least 195 hours for an employer over a period of at least 90 days.

LRB103 39443 SPS 69636 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Paid Leave for All Workers Act is amended by
5 changing Section 10 as follows:

6 (820 ILCS 192/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Construction industry" means any constructing, altering,
9 reconstructing, repairing, rehabilitating, refinishing,
10 refurbishing, remodeling, remediating, renovating, custom
11 fabricating, maintenance, landscaping, improving, wrecking,
12 painting, decorating, demolishing, or adding to or subtracting
13 from any building, structure, highway, roadway, street,
14 bridge, alley, sewer, ditch, sewage disposal plant,
15 waterworks, parking facility, railroad, excavation or other
16 structure, project, development, real property, or
17 improvement, or to do any part thereof, whether or not the
18 performance of the work herein described involves the addition
19 to or fabrication into, any structure, project, development,
20 real property, or improvement herein described of any material
21 or article of merchandise.

22 "Construction industry" also includes moving construction
23 related materials on the job site or to or from the job site,

1 snow plowing, snow removal, and refuse collection.

2 "Department" means the Illinois Department of Labor.

3 "Domestic work" and "domestic worker" have the same
4 meanings as defined in Section 10 of the Domestic Workers'
5 Bill of Rights Act, except that "domestic worker" also
6 includes independent contractors, sole proprietors, and
7 partnerships.

8 "Employee" means an individual who (i) meets the
9 definition of "employee" ~~has the same application and meaning~~
10 as that provided in Sections 1 and 2 of the Illinois Wage
11 Payment and Collection Act and (ii) works at least 195 hours
12 for an employer over a period of at least 90 days. "Employee"
13 also includes all domestic workers, and, for the purposes of
14 this Act, domestic workers shall not be excluded as employees
15 under the provisions of item (1), (2), or (3) of Section 2 of
16 the Illinois Wage Payment and Collection Act. "Employee" does
17 not include:

18 (1) an employee as defined in the federal Railroad
19 Unemployment Insurance Act (45 U.S.C. 351 et seq.) or the
20 Railway Labor Act;

21 (2) a student enrolled in and regularly attending
22 classes in a college or university that is also the
23 student's employer, and who is employed on a temporary
24 basis at less than full time at the college or university,
25 but this exclusion applies only to work performed for that
26 college or university; or

1 (3) a short-term employee who is employed by an
2 institution of higher education for less than 2
3 consecutive calendar quarters during a calendar year and
4 who does not have a reasonable expectation that they will
5 be rehired by the same employer of the same service in a
6 subsequent calendar year.

7 "Employer" has the same application and meaning as that
8 provided in Sections 1 and 2 of the Illinois Wage Payment and
9 Collection Act, except that for purposes of this Act,
10 "employer" also means the State and units of local government,
11 any political subdivision of the State or units of local
12 government, or any State or local government agency.

13 "Employer" does not include school districts organized
14 under the School Code or park districts organized under the
15 Park District Code.

16 "Writing" or "written" means a printed or printable
17 communication in physical or electronic format, including a
18 communication that is transmitted through electronic mail,
19 text message, or a computer system or is otherwise sent or
20 stored electronically.

21 (Source: P.A. 102-1143, eff. 1-1-24.)